

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, July 19, 2021

Mayor Schmidt called the meeting to order at 7:02PM.

Council Members Present: Will Dujardin, Chris Haver, Jason MacMillan, Mona Merrill, and Jasmine Whelan

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Parks, Recreation, Open Space and Trails Director Janna Hansen

Community Development Director Troy Russ, Town Clerk Lynelle Stanford, Recreation, Open Space and Trails Supervisor Joey Carpenter, Finance Director Rob Zillioux, Town Planner II Mel Yemma, and Town Planner I Pat Church (for part of the meeting)

Schmidt mentioned the preceding work session.

APPROVAL OF AGENDA

Haver moved and MacMillan seconded a motion to approve the agenda as submitted. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) July 6, 2021 Regular Town Council Meeting Minutes.
Staff Contact: Town Clerk Lynelle Stanford

2) Bridges of the Butte Special Event Application Closing 3rd Street from Elk Avenue to the Alley Between Elk and Sopris Avenues on Sunday, September 12th, 2021.
Staff Contact: Town Clerk Lynelle Stanford

3) Resolution No. 15, Series 2021 - A Resolution of the Crested Butte Town Council Adopting the Applicable Provisions of the Uniform Election Code of 1992 for the Coordinated Election to be Held on November 2, 2021 And Authorizing the Town Clerk to Enter Into an Intergovernmental Agreement with the Gunnison County Clerk and Recorder Concerning the Administration of Such Election.
Staff Contact: Town Clerk Lynelle Stanford

4) Resolution No. 16, Series 2021 - A Resolution of the Crested Butte Town Council Authorizing the Town to Enter into a Property Management Agreement with the Gunnison Valley Regional Housing Authority for the Affordable Housing Property at 624 Gothic Avenue.
Staff Contact: Town Manager Dara MacDonald

Merrill requested to remove #4 from the Consent Agenda, Resolution No. 16, Series 2021 - A Resolution of the Crested Butte Town Council Authorizing the Town to Enter into a Property Management Agreement with the Gunnison Valley Regional Housing Authority for the Affordable Housing Property at 624 Gothic Avenue, and the item was moved to New Business. Haver asked about Bridges of the Butte and the flow of traffic on Elk Avenue with the proposed route.

Haver moved and Whelan seconded a motion to approve the Consent Agenda with the Housing Authority contract put in New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Jackson Petito - Resident of CB South and former Council member

- He supported putting the Community Preservation Fund in front of the voters.
- The Council did not have to support the policy itself, but the job of a Council member was to represent the residents of the Town.
- He reminded the Council that they represented the voters and to let the voters vote because it was what they were elected to do.

Scott Fulkerson - 406 Whiterock

- He talked about the stop signs and the number of people running stop signs in Town.
- The Town needed to spend the money to add two way stop, or three way stop, or cross traffic does not stop on stop signs.

Kari Sanchez

- She used her property as a short-term rental.
- She wondered whether homeowners who normally short-term rented could rent to locals during the shoulder seasons.

Eric Davis - 311 1st Street

- He questioned whether parking was on the agenda.

Jenny Veilleux - 428 Elk

- She mentioned an experience she had in which a driver ran a stop sign at 1st and Elk. The driver displayed signs of road rage and chased her down Maroon. She almost crashed into a flower box and would have been wedged between the box and a Jeep. The flower boxes were dangerous.

Andy Mason - Lives in Skyland

- He noticed the sign showing speed at the beginning of Town but not the fire danger sign.
- He thought there were too many signs in the small area.

Joe Kawecki - 230 Gothic

- He would like to see a sign at Gothic Avenue and 3rd Street communicating that 3rd Street did not connect to 3rd Street.
- It was a dangerous intersection with vehicles backing up.

STAFF UPDATES

- Schmidt pointed out the chart in the staff report reflecting the daily average vehicle count with average speed and highest observed speed.
- Whelan announced that Town was still taking applications for the at-large members of the Housing Task Force.
- Schmidt noted there was a pickleball court at Big Mine Ice Arena. He asked whether anyone could go play at any time. Hansen informed the Council that the court was marked and striped, but people would need to bring their own net if they wanted to play outside of scheduled drop-in times. Haver recognized, that because of agreements, the tennis courts were not marked for pickleball.
- Hansen reported on the Slate River Boat Launch timeline for completion.
- Zillioux did not have updated sales tax numbers since the last meeting.

LEGAL MATTERS

None

PRESENTATION

1) Update from Gunnison County Electric Association (GCEA).

Mike McBride introduced himself and Matt Feier and Greg Wiggins, who were also present. McBride began by reporting on power output at Sunshine Park, known as Avalanche Park. He showed a slide depicting the area. Avalanche buffers were discussed. MacDonald informed the Council they would be seeking authorization to proceed with DOLA's renewable energy grants.

Next, McBride spoke regarding GCEA changing their net metering tariff. Small commercial accounts did not experience changes. They were working with a rate consultant to study rates and design a tariff that would apply to larger systems.

McBride provided an update on Tri-State. They were adding 1000 MWh of solar and wind by the beginning of 2024. Their target was an 8% rate reduction by the end of 2023 to GCEA. McBride then updated on Taylor River Hydro. They initiated the process with the Bureau of Reclamation. Schmidt asked whether it would affect flows on the Taylor River, which it would not. McBride spoke briefly about the Crested Butte Community Solar Garden. He also reported on pertinent 2021 legislative bills. GCEA was largely in compliance with governance issues. Dujardin read from an email from John Cattles concerning reducing greenhouse gas emissions. McBride explained they looked at a partial buy-out of Tri-State, but they were convinced they could do more with staying with Tri-State compared to buying out. Feier pointed out the GCEA Board would be

going into strategic planning. Dujardin thought the electronic voting procedures would get more people to vote. Lastly, McBride updated on the electrical vehicle charging stations in Crested Butte. Schmidt asked him about charging stations in Gunnison, and McBride listed stations around the area.

PUBLIC HEARING

1) Ordinance No. 12, Series 2021 - An Ordinance of the Crested Butte Town Council Imposing a Moratorium for Twelve Months on Accepting and Processing Applications and Issuing Licenses for Non-Primary Residence Vacation Rentals.

Staff Contact: Community Development Director Troy Russ

Schmidt read the title of the ordinance. Schmidt explained the process for discussion at the meeting. Yemma reported that the agenda item was a public hearing on Ordinance No. 12, Series 2021. She reminded of the housing emergency that was declared. Town was digging deep to address the housing crisis and had to work on short-term action to alleviate the crisis. Yemma identified, that with the moratorium, they were giving the community time to review the four-year-old vacation rental policy. She outlined themes heard in the feedback provided since the last meeting. There had continually been the opportunity to apply for a license. The study would fix what had been a changing variable. Staff recognized the moratorium was not only about collecting data. They needed to look at every possible tool to avoid displacement of residents. Yemma acknowledged that homes were unlikely to go back into the long-term rental market; however, they wanted to better manage the loss of neighborhood continuity. The licenses shifted around and affected different neighborhoods. The moratorium would not affect primary residence vacation rental licenses. It would not necessarily reduce the number of vacation rentals, and owners had the right to keep them. The moratorium would give a pause to develop the Community Compass. Staff could then dive deeper to study the vacation rental ordinance in more detail. The tool, when combined with other programs in the works, could powerfully work to shift how the housing stock would be used for the community and workforce. Schmidt recognized that Town had strong community values. He thought that the implication the Council was not relying on community values was offensive to him. Russ elaborated that the Council did not have a comprehensive plan to help guide the decision. Whelan felt like the point was they really needed the study to evaluate to determine how the availability of vacation rental licenses affected investments in Crested Butte and impacted the housing market. MacMillan acknowledged things were very different four years ago.

Schmidt confirmed proper public notice had been given for the public hearing, and he opened the public hearing.

Cass Rea - Lives at Timbers in Mt. Crested Butte and works in Town

- He told the Council that if they were sort of worried about their legacy, they should see an opportunity to come together to get ahead of it.

Neil Watko - Lives in Meridian

- Their concern was that Meridian would become a commodity and not a community. They were organizing a committee.
- They would look at impacts of STRs on neighbors, water, and the internet, and it should be looked at as a county-wide issue.

Kyle Anderson - 506 5th Street

- He expressed his support for the moratorium.

Lindsey Freeburn - 506 5th Street

- The moratorium was just to ask to stop the bleeding.
- They had no idea how big the problem was.
- She told stories of people displaced, and more people would be displaced.
- She was sick of losing community members.

Rob Vandervoort

- He grew up here and wanted to raise his boy here.
- He knew of households that were losing their homes.
- He supported the moratorium.

Lauren O'Rourke

- Enough was enough.
- She was overworked.
- They had to put a cap on it.

James Steyaert - 222 Whiterock/Lives in Denver

- He was not in support of the moratorium.
- It took years to build and design his house, and it was all for not.
- People who rented their homes out were great members of the community.
- The moratorium would financially ruin him right now.
- A long-term renter would never rent his property.

Samantha Wolfgang

- War was the only metaphor to solve public problems.
- There was no war on homelessness. There was no money in that problem. Change the name to houselessness.
- She posed the question of where you would put it (affordable housing), and the answer was not in my backyard.
- 90 units would not be enough.
- They needed to plan seven generations into the future.
- You did not print values, you lived them.

Kent Cowherd - 901 Teocalli

- He spoke in support of the moratorium.
- Town was out of balance.

- It seemed obvious that a reduction in the number of short-term rentals was required for a better balance in Town.

Margot Levy - 118 7th Street

- She spoke in support of the pause recommended by Staff.
- It was time to revisit and re-evaluate the prior (short-term rental) policy.

Donny Davol - 915 Teocalli

- He voiced support for the moratorium.
- They needed to encourage full-time residency.
- He wondered if there was anything they could do to re-evaluate spec homes; they were a real driver.

Sandy MacNamara - Lives in Meridian

- They left Mt. Crested Butte because their quiet neighborhood became vacationland.
- They were facing the same problems as Town in Meridian Lake.
- All STRs should be taxed as businesses and not as residences.
- She did not want to be neighbors with an LLC.
- Tax them.

Scott Desmarais -120 Maroon

- It was clear the Town had a strong opinion.
- They needed to study the issue, but it could not stop them from being bold.
- He believed in the moratorium.
- He wanted the Council to take action and see what other cities and towns were doing.

Jenny Veilleux - 428 Elk

- It was hard to find a comparison.
- Singapore made STRs illegal a long time ago.

Brendan Riley - 122 Butte Avenue/West University, Texas, which is a suburb of Houston

- There were costs to STRs and costs to dark houses.
- He mentioned benefits of STRs, including that people stayed in Town.
- The owners of smaller mining cabins would be the people affected.
- He provided a breakdown of his revenue and expenses of short-term renting.
- He asked the Council to weigh the costs and benefits.

Dewey Overholser - He used to live on Sopris, and now he lives south of Town.

- The Town should tax homes that were not being lived in.

Eric Rankin - Lives in Bad Dog Alley and the co-owner of Butte Bagels

- Restaurant owners were overwhelmed by the number of people, and they did not have employees.

- They could not make money as a town if there were not people to live and work in Town.

Martha Keene - 421 Whiterock

- Echoing Cass Rea, she asked, would it not be amazing to be the first.
- Restaurants were very short-staffed.
- Employees were working more shifts and longer hours. They were missing transportation because the bus had stopped, and they were stranded in Crested Butte.
- Town was not creating a return experience.
- She was constantly baby-sitting people staying at STRs.
- She wanted to live in a neighborhood.
- They had to enact a moratorium to formulate a plan to save the community.
- She knew of four more locals being displaced.
- Airbnb was like an infection, and they needed to get rid of it.

Kat Loughan - She used to live in Town, and her rental was turned into a STR. She lives at Timbers.

- Crested Butte was a community. It was not your investment.

Bill Smith - 720 Maroon

- The situation when they moved away from their home was that they were going to rent to locals because it was the right thing to do.
- He imagined taxes, values, and insurance going up. He would need to pass on his costs, and he wondered whether locals could afford it.
- Where he lives, the community limited short-term rentals to 7%. It limited the problem Crested Butte was facing now.

Tiff Simpson - 814 Gothic Avenue

- She was in support of the moratorium.
- Houses were for locals, and hotels were for visitors.

Cole Thomas - 628 Teocalli

- A moratorium would be for one year.
- It would blow him away to see this not go through tonight.

Connor Scalbom - As of today, he would live at Outrun.

- The tension felt around Town was not an image they wanted to give off.
- They were not giving visitors good experiences.
- Lodges were not booked.
- He asked the Council whether they would let the big guys bully them, referring to Airbnb.

Adam Maestle - Formerly 817 Red Lady, now wherever he finds a pillow

- He supported the moratorium.

- The decision was about whether Crested Butte was a community or a commodity.
- If a Council member put someone else's investment before the community, then he or she should resign.

Jess Ladwig - 413 2nd Street

- She was with her landlord as he brought a real estate agent in to assess the property.
- It was crazy how many houses had gone up since she lived here.
- She was in support of the moratorium.
- She hoped the Council was looking out for the community.

Joey Weber - 731 Gothic

- Business was good in construction.
- He was a month or more behind schedule.
- He had been displaced twice in the last year.
- He supported the moratorium.

Glo Cunningham - 324 Teocalli

- She applauded the Council for considering the moratorium.
- She was proud to say the Council would do what the community wanted them to do.
- The moratorium would not be into perpetuity.
- She thanked the Council ahead of time for doing the right thing for the community.

Tom Barry - 713 Maroon and he now split time between Grand Junction and CB South

- He worked for a hospitality company in Town.
- The email sent by Airbnb was alarming to him.
- Now would be a moment to hit the pause button.
- He was in favor of the moratorium.
- It said something that it caught the attention of Airbnb.
- It was appropriate to pause.

Emily Artale - Lives in Buckhorn at 602 White Stallion Circle

- She was strongly in support of the moratorium and reduction and eventual elimination of STRs.
- There was a STR destroying the livability of the community in her neighborhood.
- The Council could be a part of a really progressive solution.
- She wanted to encourage Staff to think about an equitable and managed transition.
- She was deeply disturbed by the Airbnb email.

William Clem

- He drew ire that losing STRs would hurt the Town.
- What had worked would continue to work.
- They should think more long-term than short-term.

Joe Lockwood - 454 Teocalli

- The tension was palpable.
- Everyone was mad.
- He strongly supported the moratorium.

Ben Wright

- He had been picketing at the Four Way.
- The average was once a day someone was losing his or her home.
- He would advocate for the arts. Art would go away without local workers.
- There was an unstable long-term rental market.
- He strongly supported the moratorium.

Paige Rumery - 619 Maroon Avenue in the Ore Bucket Building

- She wanted to recognize that she was new here. She wanted to be here a long while, if she could afford it.
- The closer she got to the mountain, she noticed that more locals lived there.
- A craftsmanship economy existed here that did not exist in small towns anymore.
- She supported the dark house tax, as well.

Chloe Bowman

- She spoke in favor of the moratorium.
- She thanked Staff, citing that the BLMCC asked Staff to look at inequity in the community.

Sue Navy

- She took the opportunity to sum up what she heard.
- It was an existential crisis.
- She could not see any other course of action other than to pass the moratorium.

Bob Bernholtz - 721 Teocalli Avenue

- The moratorium was not the answer to the affordable housing issues.
- Let people keep doing what they were doing.
- People would not rent their homes out. They could afford not to do it.
- They would not solve the problems with a moratorium.

Eric Davis - 311 1st Street

- He was in favor of the moratorium.
- It came down to the fact that STRs were businesses.
- Town could control through zoning. It should be a zoning process. A residential area should be residential.

Audrey Anderson - 311 1st Street

- There were shoulder seasons in 1998.
- Now, people were here constantly.
- The valley had been over advertised.

- There were too many STRs.
- She was angry and tired.
- Locally owned businesses on Elk Avenue were gone.

Susan Kerns - She sold her house at 201 and 201 ½ Gothic

- She outlined her background related to being a homeowner.
- The houses being built now were not for the middle-class.
- The moratorium would not make a difference.
- It would make a difference to build housing.

Amber Knight - 271 Gothic Ave, Unit #8 on the mountain

- She and her husband had been active members of the community.
- It was terrifying. People were leaving on a daily basis.
- They were losing the core of the community.

Jess Ladwig

- She agreed they needed to build more affordable housing; however, housing would not be built overnight.
- A moratorium would allow locals to stay where they were.

Martha Keene

- The community was lucky for not losing someone because of mental health this year.
- The moratorium would slow down short-term rentals.
- It would be one year to catch our breath.
- She asked the Council not to go backwards on mental health.

Cass Rea

- No one thought a moratorium would create long-term rentals on its own.
- Incentivize long-term renting.
- He asked the Council to show leadership.

Cole Thomas - 628 Teocalli

- James Steyaert would not have bought property, if he could not short-term rent.
- The moratorium could slow down the sale of houses by removing the prospect of short-term renting.

Connor Scalbom

- STRs were businesses.
- Enacting a moratorium could lower the value of homes and make it affordable for locals.

William Clem

- Crested Butte could show the path for change.
- They could tell homeowners they had to rent to locals.

Schmidt closed the public hearing.

Whelan was assured that the moratorium would not affect the building at 6th and Butte. The Council had to recognize they would lose long-term rentals to the short-term market if they did not pass the moratorium. Whelan commented on the Airbnb email. It was inappropriate and concerning. They were a community that valued people before profit. Merrill ran on grassroots community, and she loved it. It would be definite that the moratorium would create a stronger community with higher morale. She was community-driven, and it was a no brainer the moratorium would save the community. Haver recognized there was a lot of community to be considered. He was willing to move forward with the moratorium. MacMillan appreciated everyone being together. 30% STRs in eligible zones was too much. He would like to see the number more evenly distributed. MacMillan was hearing the additional revenue that could be lost was not welcomed at the moment. He thought more STRs led to displacement. Dujardin agreed with what had been said. He asked the public to keep up with the commenting. Schmidt found it deplorable what Airbnb did, and what the local realtors did was lazy. He looked at the balance. The community consisted of more people than what were here tonight. Schmidt hoped the moratorium would create something. He would vote for the moratorium.

Dujardin moved and Whelan seconded a motion to approve Ordinance No. 12, Series 2021, imposing a moratorium for twelve months on accepting and processing applications and issuing licenses for non-primary residence vacation rentals. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Cunningham implored the public that the work was not done.

NEW BUSINESS

1) Memorandum of Understanding with Gunnison County and Mt. Emmons Mining Company for Withdrawal of Unpatented Mining and Millsite Claims Surrounding Mt. Emmons.

Staff Contact: Town Manager Dara MacDonald

MacDonald reported there would be a joint session on Wednesday with the Board of County Commissioners concerning the MOU. She pointed out the history of a possibility of a large mine on Red Lady and highlights from throughout the years in the staff report. She announced that Mt. Emmons Mining Company (MEMC) was close to withdrawing mining claims to ensure that mining would not be conducted in the area surrounding Mt. Emmons. There was a willing mine owner that had been working on remediation efforts. Their intention was not to mine, and they were taking steps to permanently withdraw unpatented mining and mill site claims. It took an actual Act of Congress through the CORE Act. A land exchange was proposed. The mining company wanted to gain control of the location of the treatment plant. MacDonald showed a graphic of the unpatented mining claims, existing MEMC owned, and proposed MEMC owned.

Effectively, no one could come in and file claims. It would take another Act of Congress for mining to be available in the future.

MacDonald reminded the Town agreed in 2016 to fund a \$2M payment to MEMC. The land exchange would take about three years. It would be a huge step to get the claims included in the CORE Act. Schmidt asked what they were required to do regarding water treatment. MacDonald explained this agreement was about withdrawal.

Brett Henderson - Executive Director of HCCA

- He stated that HCCA supported the general points in the MOU.
- He thanked MacDonald, who had been instrumental.
- They were excited to see the direction moving forward in writing.
- HCCA commended the Town and Staff.

Kent Cowherd - 901 Teocalli

- It was an opportunity for the Council to have this under their belts.
- He thanked the Town and Staff.

Roland Mason

- What had happened since the last MOU was significant.
- Overall, the MOU looked good.
- He commended the Town Council, MacDonald, and the attorneys.

Sue Navy

- She thanked for the efforts, so far.
- It was the most amazing step.

MacDonald stated Barbara Green had been amazing.

Haver moved and Dujardin seconded a motion to approve the Memorandum of Understanding for Mt. Emmons. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

2) Consideration of Possible Ballot Measure and Other Funding Measures to Support Community Preservation.

Staff Contact: Finance Director Rob Zillioux and Community Development Director Troy Russ

Zillioux began by presenting a slide with quotations reflecting the meaning of community and another slide with the Council's vision statement. Zillioux explained what community preservation meant, specifically that people had the opportunity to live and work in Town, play, volunteer, and raise a family in Crested Butte. Zillioux outlined the current situation with Crested Butte changing at a rapid pace. Town and the valley were maxed out. The unintended consequences were smashing Crested Butte. The income and housing/living cost disparity was growing. 2012 was the last year an average person could aspire to buy a house in Town. Zillioux asked the Council to consider what

happened to other mountain communities, such as Moab. The carrying capacity of the valley was fraying.

Zillioux identified the goal was to raise \$40M over ten years through a Community Preservation Fund. Zillioux described how Town could utilize funds, primarily for affordable housing. Funds could also be used for local business support, open space, climate action, and arts and historical preservation. Funds would be allocated through the annual budgeting process. \$40M was a lot of money, and it was not a lot of money. The stakes were high right now. Zillioux gave examples of monetary goals and uses. He outlined community preservation funding options such as: Community Preservation Fee, a municipal bond, and selling 308 3rd Street. Attorney Dee Wisor advised that the Community Preservation Fee was defensible. Zillioux provided answers for the reasons a part-time resident could support the Community Preservation Fee. Zillioux read an excerpt from *The Lorax*. MacDonald explained they were asking the Council whether Staff should start working on language for a ballot question. The ballot language would be brought to the Council the first meeting in August. Staff would craft an adopting ordinance. Sullivan clarified the Community Preservation Fee would be a tax. MacDonald explained it could not be related to income or valuation. The tax would be closely tied to use. MacDonald reviewed the implementation of the tax.

Schmidt opened the meeting to Council discussion. Whelan framed the dialogue and identified the question before the Council today. Dujardin appreciated Zillioux's presentation. He also appreciated taxing homes that did not have a permanent resident, so the funding could go towards funding the next project. They had to keep the qualifiers simple and enforceable. A sunset could be considered. An annual escalator was fair. For Dujardin, affordable housing was the nexus of community preservation. The survival of the community as they knew it was at stake. Haver confirmed the Town could leverage the money for loans. Haver would challenge the Council to consider a percentage sales tax hike as a question as well because it would not just be putting the burden on second homeowners. Schmidt thought it was a big us versus them. He stated a mill levy tax was the way to go. He would like to see the County and Mt. Crested Butte do more. The Community Preservation Fee started out as funding for affordable housing, and it had become a grab bag. Merrill thought the next step was to craft the ballot language correctly. The Town needed money to make the inequality gap smaller. Schmidt voiced his disagreement with the funding source. Whelan recognized they would be preserving the community for everyone. People who bought homes in Crested Butte would benefit. Schmidt thought the appropriate thing would spread the costs to everyone in Town. Haver wanted to make sure they stopped assuming a second homeowner was a CEO.

Schmidt opened the meeting to public comment.

Cole Thomas - 628 Teocalli

- He was in support of the Community Preservation Fee going on the ballot.
- The people should have the right to vote on taxes that would be bestowed upon them.

- If the Council voted “no” for putting it on the ballot, there should be emergency sessions on what could go on the ballot that would provide the same amount of revenue with the same consistency.

Brendan Riley

- His family was invested in this community.
- He reviewed his family’s history related to Crested Butte.
- He was not a millionaire or CEO.
- It was us versus them.
- There were second homeowners that would contribute capital to the fund to make a real difference.
- Make the right decision for the community to build a whole community.

Eric Rankin

- It was not an attack, and it was an invitation for second homeowners to have a tangible way to help the community.
- He had not heard negative feedback on the tax.

Haden Spencer - 109 3rd Street

- Her heart was telling her to be another face to see of a second homeowner.
- It was not fair that everyone was dumped into one big bucket.
- She was here because it felt wrong to have one bucket of second homeowners who would be paying a flat fee.
- She had a history and depth of history of love for Crested Butte.
- It was a big risk when the Council did not have details on which to vote.
- She urged the Council to think hard.

Lisa D’Arrigo - 219 Gothic

- She did not agree with the route.
- It was extremely polarizing.
- It was a tax, not an opportunity.
- She did not believe it was fair.
- There were ways for people to give money, without a demand.

Paige Rumery - 619 Maroon

- She thanked people for framing it the way they did.
- There was data, and the long-term renters were not hurting the economy.
- Objectively, the imbalance was between short-term rentals and long-term rentals.
- She reminded the tax was not for second homeowners; it was for empty homes.

John Spencer - 109 3rd Street

- He asked how many empty houses there were.
- He outlined his contributions to Town.
- Starr and Gillie approached him for support regarding affordable housing assistance. Four out of five phone calls, \$100K each, people said they were in.

- The fee would be a community bomb.

Andrew Mason - Lives in Skyland

- They were just here to determine whether the Council should continue discussing.
- They needed to keep sight on that they did not need to solve the issue tonight.

Scott Fulkerson - 406 Whiterock

- It was a tax on second homeowners. It was not an opportunity to donate.
- It was a decision being made without them having the voice.
- There was so much going on, and the last thing they needed to do was to throw another bomb into it.
- It was an us versus them, even if it was not meant that way.

Odyssey - 614 York in Gunnison

- It was a critical issue.
- It was important to keep the option open.
- The discussion needed to continue.

Luz LaBato

- She was a second homeowner, and she was now a resident.
- Anything that involved preservation of the community had her vote.
- The community was the essence of this Town.
- Us was the soul of the Town. Them were the people that wanted to buy the soul of the Town.

Susan Kerns

- She pointed out John and Haden Spencer started the tip jar last spring.
- The Council needed to listen to someone with fund raising experience.
- They needed to look at housing in a regional way.

Margot Levy

- She had faith in the ability of Town, Council, and Staff to multi-task.
- They needed to be considering everything.
- It was all in the details and the exemptions.
- They could craft something that would work equitably and fairly.

Adam Maestle

- If they could rely on voluntary good will, they would not be in the current situation.
- The tax was in line with the environmental goals.
- Tonight, the discussion should be about whether they supported the right to vote.

Madison Manning - 311 N 12th Street in Gunnison

- She heard more than once that they thought it was impossible for Council and Staff to come up with verbiage that would be equitable.

- She had faith, and she would love for the Council to make a decision to hold a place on the ballot.
- It would be disrespectful to not put something on the ballot.

Martha Keene - 421 Whiterock

- She was a child of a second homeowner.
- It was scary because this burden would fall on her mother.
- It was a slippery slope.
- She felt like if they held the ballot space, there would be the chance to have the discussion.
- The house was on Butte Avenue, and in the winter it was dark. The flip side was they did not have to pay the tax if they were long-term renting an accessory dwelling.
- She wanted the time and chance to have the conversation.

Arvin Ramgoolam - 121 Packer Way

- The CB Tip Jar was such a huge support mechanism.
- He would consider the fact of someone who bought a house many years ago and then the person resells, giving the new person a message that there was a problem, and they were being asked for help.
- He supported keeping a spot on the ballot.

Lisa D'Arrigo

- She not supporting it, and she did not mean disrespect.
- The people that the tax would impact would not get to vote.
- The majority of the people who could vote would not be impacted.
- No matter how it was worded, the people still did not get a choice.
- She thought they were moving too fast. There should be more solutions on how to equalize.
- She urged the Council to not accept.

Cole Thomas - 628 Teocalli

- He was for the Community Preservation Fee.
- It would not be community preservation for people to be pushed out of their homes. They would make sure to take care of people in their situations.
- It was not looking to push more people out of Town.

Lindsey Freeburn - 506 5th Street

- She felt like if the Council voted "no," they were not giving a fair opportunity for the conversation.
- Keep the conversation running.

Nicole Thomas - 21 Beckwith

- They bought property with a lot of risk and were thinking of how they could contribute to the community.

- Their last resort was short-term renting.
- She could not rent to neighbors who were evicted because she could not afford it.
- There was opportunity for Town to fund raise.
- She thought it was important to hold space on the ballot.
- She cautioned against a regressive tax.

Jim Starr - He was speaking on his own behalf

- The bottom line for affordable housing was the need for substantial, dedicated funding.
- The current funding allowed one unit to be built per year.
- There would clearly be those who would not support the tax.
- If the Council passed the motion to put on the ballot, consider an exemption for people who could demonstrate they had donated the amount of the tax.

Kyle Anderson - 506 5th Street

- He expressed his support for continuing to talk about the tax and putting it on the ballot.
- He agreed with Jim Starr.

MacMillan asked whether Council would vote on the ballot language. MacDonald confirmed and explained the ballot language would be set by resolution. MacMillan asked about Starr's idea of exemptions and donations and whether they would be possible. Sullivan identified accepting donations was an untested option in the state. Schmidt asked for more alternatives from Staff than the dark house tax. Haver was of mind to save a spot on the ballot. What sounded like an easy solution was not easy once they were in the details. Dujardin did not think it was a big stake to drive in the community. MacMillan would rather see a lower number that felt more equitable. He would do his best to honor the people who made the community what it was. Whelan agreed they would not support if it was something that would push people out of the community. MacDonald suggested they schedule a special meeting for more discussion and public input.

Dujardin moved and Whelan seconded a motion to move forward in preparations to place the Community Preservation Fee on the November 2021 ballot.

Haver made a motion to amend the motion on the floor by also holding a second place for discussion with sales tax on the ballot, and Schmidt seconded the amendment.

Dujardin voiced that he did not agree with the amendment. Schmidt affirmed his agreement with Haver to look at other funding sources.

A roll call vote was taken (on the amendment), with all voting "Yes," except for Dujardin, who voted "No." **Motion passed.**

The full motion with the amendment added was to move forward in preparations to place the Community Preservation Fee on the November 2021 ballot with also holding a

second place on the ballot for sales tax. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

3) Update on Parking Management.

Staff Contact: Community Development Director Troy Russ

Russ updated on the parking plan. He explained that Staff studied and developed a parking plan and retained Interstate Parking to implement and manage the parking plan. Russ reminded of the priorities of the parking plan. The intent of the parking plan was to work through issues and restart with a winter program. Russ listed the technical expectations of the program that were in the staff report. Russ reported on the warning program. All along, the Town recognized there was not a perfect way to implement. Russ reviewed the feedback that was collected. Russ believed they had achieved the technical expectations, which he summarized. Speeds had dropped on Maroon and Sopris. There were no documented crashes related to the flower boxes. They were studying transit ridership. Russ was happy to say Interstate Parking was able to issue 65 additional permits. Staff would continue to monitor and would do an in-depth study in August. They would be looking at Whiterock and Gothic to see what they were pushing out to the streets. They would continually update and fine-tune the program. Kyle, from Interstate Parking, expressed his appreciation. He described the implementation and roll out. Conversations had transitioned to outreach. He was observing active participation and buy-in.

Eric Davis - 311 1st Street

- The parking plan was still unworkable in his neighborhood because his neighborhood was built before the era of the automobile.
- He would have to take down what he had in his yard.
- The ordinance was not taking in consideration the areas built before the area of the automobile.
- He felt anger at having another entity exerting control and power over him and all of those in Town living along the areas affected.

Mitch Evans

- He was present in support of Davis.

Martha Keene - 421 Whiterock

- She saw people not yielding or shooting the gauntlet.
- The boxes were being hit.
- She mentioned a flower box that was in complete darkness. There was not a contingency plan when a light went out. The light had now been fixed.
- People were speeding like crazy.
- She was watching her boss move her car every two hours because the designated parking lot was full.

Scott Fulkerson - 406 Whiterock

- He had a problem of where they were because of the one-way on Elk.

- The anger was stemming from it.
- It was hypocritical to give away parking for businesses to make money.
- He asked whether it really made Town more festive. It did not seem festive when events were moved and changed. It was contributing to the angst and negativity.

Jenny Veilleux

- She agreed with what Fulkerson said.
- The one-way was cool during COVID, but she thought it became a can of worms.

Shaun Horne

- He thought that moving across Elk, the flow was improved with the one-way.
- All the restaurants opting to get seating on the street were taking a lot of parking spaces. He believed it was important during COVID, but this year, every restaurant opted to do it, even when they were not using the spaces. It was unfair to retail businesses. A lot of parking was eaten up.
- He did not think the public resource should be given away.

Martha Keene

- There was not a bike lane on Elk.
- She did not want to lose the bike culture.
- Drivers were feeling unsafe with bikers.
- Navigating the one way felt safer, but she wanted to ride her bike both ways.

Jenny Veilleux

- She asked why they were increasing the size of the restaurants.

Eric Davis

- In addition, he asked why they were increasing the size of the restaurants while they were so short-staffed.

Schmidt noted that he voted against the parking plan. Whelan affirmed they were hearing them. She acknowledged the parking plan was a work in progress. They were looking at more density that would bring more vehicles to Town. The Council heard them, and they wanted to make it work for everyone.

4) Ordinance No. 13, Series 2021 - An Ordinance of the Crested Butte Town Council Creating a New Land Use Definition of Employee Dwelling and Amending Articles 1, 5 and 16 of Chapter 16 of the Town Code.

Staff Contact: Community Development Director Troy Russ

Schmidt read the title of the ordinance. Yemma acknowledged it was first reading. The application was a citizen's initiative. Yemma read the requested amendments. She reminded the Council they sent the process to BOZAR. Town worked with the applicants for tweaks, which Yemma reviewed. There was a provision that allowed the business owner to occupy the unit, and there was a direct nexus on the parking

requirements. The ordinance was supported by the DRC and approval was recommended by BOZAR. Schmidt confirmed they could not do payment in lieu for the parking.

Whelan moved and Dujardin seconded a motion to set Ordinance No. 13, Series 2021 for public hearing on August 3rd. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Dujardin thanked for the creative solution.

5) Resolution No. 16, Series 2021 - A Resolution of the Crested Butte Town Council Authorizing the Town to Enter into a Property Management Agreement with the Gunnison Valley Regional Housing Authority for the Affordable Housing Property at 624 Gothic Avenue.

The agenda item had been moved from the Consent Agenda. Merrill thought the management fee seemed high. MacDonald recognized the property would require intensive management, have more turnover, and would require more background checking. MacDonald confirmed the intention was to cover staff time. The Housing Authority wanted to get a few months of operation under their belts. Haver asked how people were expected to sign up. MacDonald said the Housing Authority would proceed with marketing and keeping a list of interested people. A Town employee would have the first chance. MacDonald voiced appreciation for the Housing Authority.

Haver moved and Dujardin seconded a motion to approve Resolution No. 16, Series 2021. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

COUNCIL REPORTS AND COMMITTEE UPDATES

Chris Haver

- He had a Housing Authority meeting. They were looking over several things.

Mona Merrill

- She followed up regarding the Housing Authority meeting.
 - They went over the financials.
 - They were discussing ballot language and would be looking at 2022.
 - There was a housing market update. Willa Williford said people were not interested in hearing the numbers. They wanted to talk about solutions.
 - Gunnison contributed a subsidy for the Garden Walk.
 - They talked about the hostel and the Housing Authority taking the lead. There seemed there was no update other than Mt. Crested Butte wanted more specifics. Someone needed to choose someone and push them forward. No one was pulling it together and nothing was moving.
 - Housing Matters was happening in Mt. Crested Butte. They were rolling out with their funds and were incentivizing long-term rentals.

Jasmine Whelan

- The West Elk Scenic Byway met.
 - Towns were struggling with a big tourism footprint this summer.
 - They were getting more brochures for the Visitors Center.
 - Toyota was doing mini grants for scenic byways across the country.
 - The committee was looking at applying and promoting the topography of the byway.
 - Schmidt's comments were that no more traffic was needed on Kebler.

Will Dujardin

- There was a community wide BLMCC meeting.
 - Arvin Ramgoolam moderated the conversation.
 - Dujardin listed panelists, including Magner and himself.
 - It was good to reconnect with the group.
- Since the last meeting, he was in Jackson, and everything that was said about Jackson was true regarding effects on people's mental health and positivity.
- He recognized the anticipated retreat had been cancelled. There were important issues to be discussing. It was worth mentioning the Council needed to look at the compensation and how meetings were run. He did not want the discussion to slip away. He suggested they look around at compensation in other mountain communities and the time required for preparation. Serving on the Council needed to be treated as the part-time job that it was. In Telluride, they allowed council members to be eligible for insurance. He would shoot for doubling the compensation. The discussion on compensation was added to the agenda for the next meeting.

Jim Schmidt

- He attended the RTA Zoom meeting. The items covered were perfunctory.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

MacDonald asked about scheduling a special meeting to discuss the possible ballot question and the Community Preservation Fee. Dujardin suggested having the regular meeting on the 3rd, and there could be a special meeting between the 3rd and the 16th. There was discussion on the ballot language as it existed. A placeholder was set for a special meeting on Tuesday, August 10th.

MacDonald stated the boardwalk trail had been opened.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday, August 3, 2021 - 6:00PM Work Session - 7:00PM Regular Council*
- *Monday, August 16, 2021 - 6:00PM Work Session - 7:00PM Regular Council*

- Tuesday, September 7, 2021 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt mentioned the upcoming meeting regarding Whetstone affordable housing.

EXECUTIVE SESSION

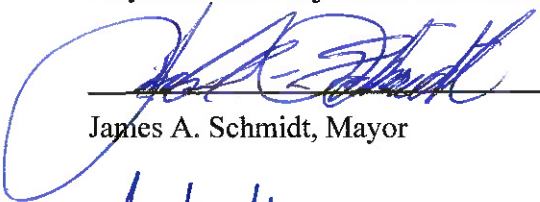
Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Open Space Acquisition.

Whelan moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**


The Council went into Executive Session at 1:03AM. The Council returned to open meeting at 1:26AM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 1:27AM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

